

## Meeting Minutes of April 27, 2011

## Evelyn Ferrara, Licensing Aide

**Richard Enander – DEM**

**Ron Gagnon - DEM**

**DR: 10:38 called meeting to order. Please review minutes from Feb and March 2011 meetings. Motion to approve. Seconded DC. All in Favor.**

## **DEM SELF-CERTIFICATION DISCUSSION AND FEDERAL EPA REQUIREMENTS**

**Dave Reynolds: We have DEM staff here today regarding the benefits of auto body self-certification program**

**Richard Enander– DEM: This will be the third round of self-certification. The first round we ran in 2002 and second round was in 2006. There are 10 states in the country using this DRP model to regulate there industry. In the first round, we had 49% participation and the second round; there was 43% participation. We would like to see 100 percent, which levels the playing field for all shops. We are still running it as a voluntary program but would like it to be a mandatory program in the sense that DBR will require a check off box to certify with DEM before they are allowed to get a license.**

**DR: We have had a few issues brought before the board concerning mobile body shops/mobile paint companies that were going around**

the state spraying cars. We actually brought in the self-certification guides to show what the body shop industry had to do as far as certifying ourselves through a voluntary program.

**Randy Bottella:** Just to clarify, do you guys handle the EPA in Rhode Island for DEM?

**RE:** No. We oversee the environmental results program. The EPA is a federal organization. Their regional office is in Boston. RI does not have primary enforcement authority for that. What we are talking about is a separate program run out of our office.

**Ron Gagnon - DEM:** . We try to consolidate all the things that are required by auto body shops.

So you don't have to deal with 5 or 6 different EPA programs. We are trying to make sure you are in compliance with EPA.

**DR:** Is there any enforcement at all right now?

**RG:** The only time our enforcement will go out is if we get a complaint.

If the EPA knows we have this program and if they do get a complaint EPA will forward it to us and have us go over and investigate it. So if we go out and find an issue with a shop we try to help you correct it. We are not issuing violations. If the EPA goes out they are going to issue a violation and fine.

**DR:** It has to get to a point that someone has to show an EPA number or ID number in order to purchase paint supplies. I don't know why we still have so many infractions out there. The bottom line is these guys with no licenses, the mobile guys, and the hobbyist are all running around spraying all over the place. With no enforcement. I have been involved in the self-certification program in Rhode Island since it began. To become compliant you have to spend a considerable amount of money. If you look at what we have done with Regulation 4 – Spray Booths- If you have a full collision shop you have to have the spray booth. Fire coded and everything else. I have to refer to legal, Mr. DeQuattro could we put a check mark in regulation 4 saying they have to be compliant with EPA and the self-certification program?

**Lou DeQuattro:** Maybe. It's a thought.

**RE:** We would like that because that would address many of the issues you are talking about. Because the self-certification program addresses hazardous waste generation and proper disposal and management. It even address the DEM air regulations, EPA air regulation, waste water discharge from a body shop it even addresses the Department of Health rules and regulations. If you have a check box saying have you, then you are making them aware of the program.

**LDQ: What does DEM issue? Or do you just keep a list?**

**RG: We really do not issue anything we just keep a list of who is participating.**

**LDQ: Is this on your web-site so people can refer to it.**

**RE: That can be co-coordinated.**

**LDQ: I think at this point we can only bring it to their attention, if it is not required.**

**RB: So to bring it up on the application.**

**RE: I thought you had a check box now. In the last cycle, I received a couple of calls asking me if this is mandatory. I said no. It is not mandatory. But it is something we would like to see you do.**

**KP: I had added the question to the equipment affidavit.**

**RB: So we agree we will add question on application if you have completed the voluntary program for EPA and another question for the Self-certification with links to DEM. Just to make shops aware these programs are out there. Even if they check NO it is not grounds for denial.**

**Larry Alan: That needs to be said. It has to be identified as a voluntary program.**

**DR: Everything a shop should know about the auto body industry that is statutorily obligated should be on that license application.**

**KP: How would I fit it all!**

**DR: I say we incorporated it into the application pending the wording by legal as to how it is going to be put there. I make a motion we do that. Seconded: DD All in favor.**

**KP: I have one question. The EPA number that is issued, does the department does give out any certificate? I was talking to Bob Nero and he has gotten a few calls because I have been asking for a certificate and he states there is not a certificate that he issues.**

**DR: Are you talking about the EPA license number? That number that is on the application you can cross check that number with the Department of Environmental Management.**

**KP: Right. With Bob Nero. But in the rewrite to Reg 4 we are asking for a certificate. In the old version it just states EPA Number. We need to delete the certificate part.**

**RB: I do not understand why you are having a problem getting it.**

**When you fill out the application just say here I am I am generating hazardous waste here is my information and you send it in to them they mail you a certificate. I have one and Dave has one.**

**DR: It has to be posted on the wall at your shop.**

**KP: I have never gotten a certificate.**

**Ron: A stationary facility should have an EPA number.**

**KP: I get the number. They write the number on the application. But I ask them to attach certificate. Nobody has ever sent me a certificate.**

**RB: you get the initial form when you have someone pick up your hazardous waste.**

**They will have you complete the form right there. It is an EPA number it does not come from DEM.**

**Regulation 4.**

**LDQ: Last time you and I talked you wanted some clarification on some questions. You wanted me to meet with Beth. I haven't got a date yet. I will work on that.**

**DR: We are really close on this. There are just a few things on this**

that need to be done and I believe we can send something up to the director in a short amount of time. One of the people who had more questions is not here today. If you get Beth two weeks from now we will call a meeting and get it done.

LDQ: Did you want an update on the state fire-marshal. Or did you do that last time?

Did you guys look at the letter that I sent? Do you want me to change anything?

RB: Do you want to re-iterate the outcome.

LDQ: We looked at the model that we thought was appropriate from Johnston.

Basically the state fire marshal looked to see what the department's needs were and will put them in a letter to forward onto the local municipalities to say this is the standard that needs to be followed in connection with body shop certifications and implement it statewide.

DR: Have you already sent that letter?

LDQ: No. I was waiting for a comment from you and Randy.

DR: I sent you an e-mail response.

LDQ: I did not get it.



**RB:** The state fire marshal has already been aware of the inconsistency with the inspections through out the state. He had already managed to put in a training program, which was mandatory for every municipality. Whomever was going to go out and do inspections would have to be trained and have to continue to be trained from the state fire marshal's office. So they will not have these massive inconsistencies. We brought to his attention that there is no getting around the fact that they have to have a spray booth. Before it was a little ambiguous were somebody could lay a claim and say well I do not do any spraying so I do not need to be inspected for that. He was unaware of that. So it should make a great change in the way these inspections are performed from here forward. No matter if somebody is in Barrington or Burrillville. They should get the same inspection.

**CH:** It is hard for me to believe that was not already in place.

**DR:** Truthfully. They were not aware that no one was trained to actually know what to look for. They are all on the same page now. All we are waiting for is that letter to go out. I make a motion to adjourn. Seconded: LDQ All in Favor. MEETING ADJOURNED AT 11:35AM.